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11 Attorneys for Defendants  
12 Benedict A. Nunez and F/V Vengeance  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH NUNEZ AND EDWARD  
NUNEZ,

Plaintiffs,  
vs.

F/V VENGEANCE, BENEDICT  
FERRANTE and Does 1-100, inclusive,

Defendants.

Case No: CV 11-04842 - LHK

**STIPULATION AND PROPOSED  
ORDER TO EXTEND TIME TO  
ANSWER**

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs Joseph Nunez and Edward Nunez, by and through their attorney of record Daniel Cullem, and defendants F/V Vengeance and Benedict Ferrante by and through their attorneys of record, Lawrence E. Biegel, Vicki Schermer-Kleinkopf and Joseph A. Cisneros that:

WHEREAS the parties are very actively engaged in settlement discussions and have reached an agreement in principle, and

WHEREAS plaintiffs and defendants are both hopeful that a settlement agreement will be finalized shortly, and

1       **WHEREAS** the defendants have a responsive pleading due on January 17, 2012; and  
2       **WHEREAS** defendants have not sought or obtained any previous extensions of time to  
3 respond and thus respectfully request that the Court grant an additional two week extension of  
4 time up to and including January 31, 2012, to allow the parties to either finalize the settlement  
5 documents and/or allow defendant to file an appropriate responsive pleading;

6       **IT IS HEREBY RESPECTFULLY REQUESTED** by the parties, through their  
7 respective counsel, that the Court grant the defendants a two week extension of time up to and  
8 including January 31, 2012 by which to file a responsive pleading so as to allow the parties to  
9 continue their settlement discussions and hopefully resolve this matter.

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11 Dated: January 12, 2012

THE BIEGEL LAW FIRM

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By:

Lawrence E. Biegel  
Vicki Schermer-Kleinopf  
Joseph Cisneros  
Attorneys for defendants

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Dated: January 12, 2012

DANIEL CULLEM, ATTORNEY AT LAW

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By:

Daniel Cullum  
Attorneys for plaintiffs

## PROPOSED ORDER

2 Based upon the stipulation of counsel and good cause appearing therefor,  
3 **IT IS ORDERED** that the time for defendants to file a responsive pleading in this matter  
4 shall be extended two weeks and that defendants shall have up to and including January 31, 2012  
5 within which to file such a pleading.

7 Dated: January 17, 2012

*Lucy H. Koh*  
LUCY H. KOH  
United States District Judge